

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

Johnice Carriere-Bell,

Case No.:

Plaintiff,

vs.

**COMPLAINT**

Experian Information Solutions, Inc.,  
an Ohio corporation,  
Trans Union, LLC,  
a Delaware limited liability company,  
Equifax Information Services, LLC,  
a foreign limited liability company, and  
Capital One Bank, (USA), N.A. d/b/a  
Capital One Auto Finance,  
a national banking association,

**JURY TRIAL DEMAND**

Defendants.

NOW COMES THE PLAINTIFF, JOHNICE CARRIERE-BELL, BY AND  
THROUGH COUNSEL, the Law Office of Dennis McCarty, who, for her Complaint  
against the Defendants, pleads as follows:

**JURISDICTION**

1. Jurisdiction of this court arises under 15 U.S.C. § 1681p.
2. This is an action brought by a consumer for violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (hereinafter “FCRA”).

**VENUE**

3. Each defendant conducts business within the geographic region subject to the jurisdiction of this Court.
4. Venue is proper in the Northern District of Texas, Dallas Division.

**PARTIES**

5. The Plaintiff is a natural person residing in the City of Dallas, Dallas County, Texas.
6. The Defendants to this lawsuit are:
  - a. Experian Information Solutions, Inc. (“Experian”), which is an Ohio corporation that conducts business in the State of Texas;
  - b. Trans Union, LLC (“Trans Union”), which is a Delaware limited liability company that conducts business in the State of Texas;
  - c. Equifax Information Services, LLC (“Equifax”), which is a foreign limited liability company that conducts business in the State of Texas; and
  - d. Capital One Bank, (USA), N.A. (“Capital One”), which is a national banking association that conducts business in the State of Texas.

**GENERAL ALLEGATIONS**

7. Cap One Auto is reporting its trade line with account number 6206217643487\*\*\*\* (“Errant Trade Line”) on Plaintiff’s Experian and Equifax credit files with an inaccurate balance of \$5,371 and inaccurate status of “was a charge off.” Further, Cap One Auto is reporting its Errant Trade Line on Plaintiff’s Trans Union credit file with an incorrect status of “was a charge off.”
8. Mrs. Carriere-Bell does not owe any money for the auto account, which is the subject of the Errant Trade Line, and the account was never charged off.
9. In November 2016, Mrs. Carriere-Bell’s vehicle was involved in an accident and her car was totaled. Her insurance company, Geico, told her that it would pay off the account with Capital One.
10. In January 2017, Mrs. Carriere-Bell received a paid in full letter from Capital One. Further, she received a letter from Geico confirming that it sent a check to Capital One to pay off the account and Capital One accepted.
11. In March 2017, Mrs. Carriere-Bell received a call stating the account was not paid in full.
12. Shortly after, Mrs. Carriere-Bell contacted Capital One to explain to them that the account was paid in full and she received confirmation of the same.

1 13. On June 21, 2017, Mrs. Carriere-Bell obtained her credit files and noticed that  
2 Capital One reported the Errant Trade Line with an inaccurate balance of  
3 \$5,371 and inaccurate status of “was a charge off.”  
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5 14. On or about August 25, 2017, Mrs. Carriere-Bell submitted a letter to Experian,  
6 Equifax and Trans Union (collectively the “CRAs”) disputing the Errant Trade  
7 Line. In these dispute letters, Mrs. Carriere-Bell explained what transpired with  
8 her car and attached the paid in full letter from Capital One and the  
9 confirmation of payment from Geico. Mrs. Carriere-Bell asked the credit  
10 bureaus to report the Errant Trade line as paid in full and with a \$0 balance.  
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12 15. Upon information and belief, the CRAs forwarded Mrs. Carriere-Bell’s  
13 consumer dispute to Capital One.  
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17 16. On or about September 1, 2017, Mrs. Carriere-Bell received a correspondence  
18 from Experian stating that it was unable to use the documentation she provided  
19 with her dispute to make the changes or deletions she requested. Experian  
20 further stated that it would contact the furnisher of the information, and that the  
21 investigation make take up 30 days.  
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24 17. On or about September 15, 2017, Mrs. Carriere-Bell received Trans Union’s  
25 investigation results which showed that the Errant Trade Line was updated.  
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1 However, Capital One retained the inaccurate status of “was a charge off” on  
2 the Errant Trade Line.  
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4 18. On or about September 16, 2017, Mrs. Carriere-Bell received Experian’s  
5 investigation results which showed that the Errant Trade Line was updated.  
6 However, Capital One retained the erroneous balance and incorrect status of,  
7 “was a charge off” on the Errant Trade Line.  
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9 19. On or about September 20, 2017, Mrs. Carriere-Bell received Equifax’s  
10 investigation results which showed that the Errant Trade Line was updated.  
11 However, Capital One retained the erroneous balance and incorrect status of,  
12 “was a charge off” on the Errant Trade Line.  
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18 20. On or about September 21, 2017, Mrs. Carriere-Bell received another  
19 investigation result from Trans Union which showed the Errant Trade Line was  
20 updated to report a \$0 balance. However, Capital One continued to report the  
21 incorrect status of, “was a charge off” on the Errant Trade Line.  
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23 21. As a direct and proximate cause of the Defendants’ negligent and/or willful  
24 failure to comply with the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.,  
25 Plaintiff has suffered credit and emotional damages. Due to the Defendants’  
26 failure to correct the errors in her credit file, Plaintiff has suffered credit denials  
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1 and has been forced to refrain from applying for new credit or more favorable  
2 terms on existing credit lines. Plaintiff has also experienced undue stress and  
3 anxiety due to Defendants' failure to correct the errors in her credit file or  
4 improve her financial situation by obtaining new or more favorable credit terms  
5 as a result of the Defendants' violations of the FCRA.  
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8  
9 **COUNT I**

10 **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT BY**  
11 **CAPITAL ONE**

12 22. Plaintiff realleges the above paragraphs as if recited verbatim.

13 23. After being informed by the CRAs of Mrs. Carriere-Bell's consumer dispute of  
14 the incorrect balance and status of the Errant Trade Line, Capital One  
15 negligently failed to conduct a proper investigation of Mrs. Carriere-Bell's  
16 dispute as required by 15 USC 1681s-2(b), and negligently failed to direct the  
17 CRAs to modify, delete or permanently block the incorrect balance and status  
18 on the Errant Trade Line.  
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21 24. Capital One negligently failed to review all relevant information available to it  
22 and provided by the CRAs in conducting its reinvestigation as required by 15  
23 USC 1681s-2(b).  
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1 25.The inaccurate information Capital One reported to the CRAs regarding the  
2 Errant Trade Line creates a misleading impression on Mrs. Carriere-Bell's  
3 consumer credit files.  
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5 26.As a direct and proximate cause of Capital One's negligent failure to perform  
6 its duties under the FCRA, Mrs. Carriere-Bell has suffered damages, mental  
7 anguish, suffering, humiliation and embarrassment.  
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9 27.Capital One is liable to Mrs. Carriere-Bell by reason of its violations of the  
10 FCRA in an amount to be determined by the trier fact together with reasonable  
11 attorneys' fees pursuant to 15 USC 1681o.  
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13 28.Mrs. Carriere-Bell has a private right of action to assert claims against Capital  
14 One arising under 15 USC 1681s-2(b).  
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17 **WHEREFORE, PLAINTIFF PRAYS** that this court grants her a judgment  
18 against the Defendant Capital One for damages, costs, interest and attorneys' fees.  
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22 **COUNT II**

23 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT BY**  
24 **CAPITAL ONE**

25 29. Plaintiff realleges the above paragraphs as if recited verbatim.

26 30.After being informed by the CRAs that Mrs. Carriere-Bell disputed the  
27 accuracy of the information it was providing, Capital One willfully failed to  
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1 conduct a proper reinvestigation of Mrs. Carriere-Bell's dispute, and willfully  
2 failed to direct the CRAs to modify, delete, or permanently block its reporting  
3 of the Errant Trade Line.  
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5 31.Capital One willfully failed to review all relevant information available to it and  
6 provided by the CRAs as required by 15 USC 1681s-2(b).  
7

8 32.As a direct and proximate cause of Capital One's willful failure to perform its  
9 duties under the FCRA, Mrs. Carriere-Bell has suffered damages, mental  
10 anguish, suffering, humiliation and embarrassment.  
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12 33.Capital One is liable to Mrs. Carriere-Bell for either statutory damages or actual  
13 damages she has sustained by reason of its violations of the FCRA in an amount  
14 to be determined by the trier fact, together with an award of punitive damages  
15 in the amount to be determined by the trier of fact, as well as for reasonable  
16 attorneys' fees and she may recover therefore pursuant to 15 USC 1681n.  
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20 **WHEREFORE, PLAINTIFF PRAYS** that this court grants her a judgment  
21 against the Defendant Capital One for the greater of statutory or actual damages, plus  
22 punitive damages, along with costs, interest and attorneys' fees.  
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**COUNT III**

**NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT  
BY EXPERIAN**

34.Plaintiff realleges the above paragraphs as if recited verbatim.

35.Defendant Experian prepared, compiled, issued, assembled, transferred, published and otherwise reproduced consumer reports regarding Mrs. Carriere-Bell as that term is defined in 15 USC 1681a.

36.Such reports contained information about Mrs. Carriere-Bell that was false, misleading and inaccurate.

37.Experian negligently failed to maintain and/or follow reasonable procedures to assure maximum possible accuracy of the information it reported to one or more third parties pertaining to Mrs. Carriere-Bell, in violation of 15 USC 1681e(b).

38. After receiving Mrs. Carriere-Bell's consumer dispute to the Errant Trade Line, Experian negligently failed to conduct a reasonable reinvestigation as required by 15 U.S.C. 1681i.

39.As a direct and proximate cause of Experian's negligent failure to perform its duties under the FCRA, Mrs. Carriere-Bell has suffered actual damages, mental anguish and suffering, humiliation and embarrassment.

1 40.Experian is liable to Mrs. Carriere-Bell by reason of its violation of the FCRA  
2 in an amount to be determined by the trier fact together with her reasonable  
3 attorneys' fees pursuant to 15 USC 1681o.  
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6 **WHEREFORE, PLAINTIFF PRAYS** that this court grants her a judgment  
7 against Experian for actual damages, costs, interest and attorneys' fees.  
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11 **COUNT IV**

12 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
13 **BY EXPERIAN**

14 41.Plaintiff realleges the above paragraphs as if recited verbatim.

15 42.Defendant Experian prepared, compiled, issued, assembled, transferred,  
16 published and otherwise reproduced consumer reports regarding Mrs. Carriere-  
17 Bell as that term is defined in 15 USC 1681a.  
18

19 43.Such reports contained information about Mrs. Carriere-Bell that was false,  
20 misleading and inaccurate.  
21

22 44.Experian willfully failed to maintain and/or follow reasonable procedures to  
23 assure maximum possible accuracy of the information that it reported to one or  
24 more third parties pertaining to Mrs. Carriere-Bell, in violation of 15 USC  
25 1681e(b).  
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1 45. After receiving Mrs. Carriere-Bell's consumer dispute to the Errant Trade Line,  
2 Experian willfully failed to conduct a reasonable reinvestigation as required by  
3 15 U.S.C. 1681i.  
4

5 46. As a direct and proximate cause of Experian's willful failure to perform its  
6 duties under the FCRA, Mrs. Carriere-Bell has suffered actual damages, mental  
7 anguish and suffering, humiliation and embarrassment.  
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9 47. Experian is liable to Mrs. Carriere-Bell by reason of its violations of the FCRA  
10 in an amount to be determined by the trier of fact together with her reasonable  
11 attorneys' fees pursuant to 15 USC 1681n.  
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15 **WHEREFORE, PLAINTIFF PRAYS** that this court grants her a judgment  
16 against Defendant Experian for the greater of statutory or actual damages, plus  
17 punitive damages along with costs, interest and reasonable attorneys' fees.  
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20 **COUNT V**

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22 **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
23 **BY TRANS UNION**

24 48. Plaintiff realleges the above paragraphs as if recited verbatim.

25 49. Defendant Trans Union prepared, compiled, issued, assembled, transferred,  
26 published, and otherwise reproduced consumer reports regarding Mrs. Carriere-  
27 Bell as that term is defined in 15 USC 1681a.  
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1 50. Such reports contained information about Mrs. Carriere-Bell that was false,  
2 misleading, and inaccurate.

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4 51. Trans Union negligently failed to maintain and/or follow reasonable procedures  
5 to assure maximum possible accuracy of the information it reported to one or  
6 more third parties pertaining to Mrs. Carriere-Bell, in violation of 15 USC  
7 1681e(b).

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9 52. After receiving Mrs. Carriere-Bell's consumer dispute to the Errant Trade Line,  
10 Trans Union negligently failed to conduct a reasonable reinvestigation as  
11 required by 15 U.S.C. 1681i.

12  
13 53. As a direct and proximate cause of Trans Union's negligent failure to perform  
14 its duties under the FCRA, Mrs. Carriere-Bell has suffered actual damages,  
15 mental anguish and suffering, humiliation, and embarrassment.

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17 54. Trans Union is liable to Mrs. Carriere-Bell by reason of its violation of the  
18 FCRA in an amount to be determined by the trier of fact together with her  
19 reasonable attorneys' fees pursuant to 15 USC 1681o.  
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23 **WHEREFORE, PLAINTIFF PRAYS** that this court grants her a judgment  
24 against Trans Union for actual damages, costs, interest, and attorneys' fees.  
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27 **COUNT VI**  
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**WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT  
BY TRANS UNION**

55.Plaintiff realleges the above paragraphs as if recited verbatim.

56.Defendant Trans Union prepared, compiled, issued, assembled, transferred, published, and otherwise reproduced consumer reports regarding Mrs. Carriere-Bell as that term is defined in 15 USC 1681a.

57.Such reports contained information about Mrs. Carriere-Bell that was false, misleading, and inaccurate.

58.Trans Union willfully failed to maintain and/or follow reasonable procedures to assure maximum possible accuracy of the information that it reported to one or more third parties pertaining to Mrs. Carriere-Bell, in violation of 15 USC 1681e(b).

59. After receiving Mrs. Carriere-Bell's consumer dispute to the Errant Trade Line, Trans Union willfully failed to conduct a reasonable reinvestigation as required by 15 U.S.C. 1681i.

60.As a direct and proximate cause of Trans Union's willful failure to perform its duties under the FCRA, Mrs. Carriere-Bell has suffered actual damages, mental anguish and suffering, humiliation, and embarrassment.

61.Trans Union is liable to Mrs. Carriere-Bell by reason of its violations of the FCRA in an amount to be determined by the trier of fact together with her reasonable attorneys' fees pursuant to 15 USC 1681n.

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2       **WHEREFORE, PLAINTIFF PRAYS** that this court grants her a judgment  
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4 against Trans Union for the greater of statutory or actual damages, plus punitive  
5 damages, along with costs, interest, and attorneys' fees.  
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8                               **COUNT VI**

9       **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
10       **BY EQUIFAX**

11       62.Plaintiff realleges the above paragraphs as if recited verbatim.  
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13       63.Defendant Equifax prepared, compiled, issued, assembled, transferred,  
14       published, and otherwise reproduced consumer reports regarding Mrs. Carriere-  
15       Bell as that term is defined in 15 USC 1681a.  
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17       64.Such reports contained information about Mrs. Carriere-Bell that was false,  
18       misleading, and inaccurate.  
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20       65.Equifax negligently failed to maintain and/or follow reasonable procedures to  
21       assure maximum possible accuracy of the information it reported to one or  
22       more third parties pertaining to Mrs. Carriere-Bell, in violation of 15 USC  
23       1681e(b).  
24

25       66. After receiving Mrs. Carriere-Bell's consumer dispute to the Errant Trade Line,  
26       Equifax negligently failed to conduct a reasonable reinvestigation as required  
27       by 15 U.S.C. 1681i.  
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1 67.As a direct and proximate cause of Equifax's negligent failure to perform its  
2 duties under the FCRA, Mrs. Carriere-Bell has suffered actual damages, mental  
3 anguish and suffering, humiliation, and embarrassment.  
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5 68.Equifax is liable to Mrs. Carriere-Bell by reason of its violation of the FCRA in  
6 an amount to be determined by the trier fact together with her reasonable  
7 attorneys' fees pursuant to 15 USC 1681o.  
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11 **WHEREFORE, PLAINTIFF PRAYS** that this court grants her a judgment  
12 against Equifax for actual damages, costs, interest, and attorneys' fees.  
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18 **COUNT VII**

19 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
20 **BY EQUIFAX**

21 69.Plaintiff realleges the above paragraphs as if recited verbatim.

22 70.Defendant Equifax prepared, compiled, issued, assembled, transferred,  
23 published, and otherwise reproduced consumer reports regarding Mrs. Carriere-  
24 Bell as that term is defined in 15 USC 1681a.  
25

26 71.Such reports contained information about Mrs. Carriere-Bell that was false,  
27 misleading, and inaccurate.  
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1 72. Equifax willfully failed to maintain and/or follow reasonable procedures to  
2 assure maximum possible accuracy of the information that it reported to one or  
3 more third parties pertaining to Mrs. Carriere-Bell, in violation of 15 USC  
4 1681e(b).  
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6 73. After receiving Mrs. Carriere-Bell's consumer dispute to the Errant Trade Line,  
7 Equifax willfully failed to conduct a reasonable reinvestigation as required by  
8 15 U.S.C. 1681i.  
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10 74. As a direct and proximate cause of Equifax's willful failure to perform its duties  
11 under the FCRA, Mrs. Carriere-Bell has suffered actual damages, mental  
12 anguish and suffering, humiliation, and embarrassment.  
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14 75. Equifax is liable to Mrs. Carriere-Bell by reason of its violations of the FCRA  
15 in an amount to be determined by the trier of fact together with her reasonable  
16 attorneys' fees pursuant to 15 USC 1681n.  
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19 **WHEREFORE, PLAINTIFF PRAYS** that this court grants her a judgment  
20 against Equifax for the greater of statutory or actual damages, plus punitive damages,  
21 along with costs, interest, and attorneys' fees.  
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24 **JURY DEMAND**  
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26 Plaintiff hereby demands a trial by Jury.  
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1 DATED: December 18, 2017

2  
3 Respectfully Submitted:

4  
5 By: /s/ Dennis McCarty

6  
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15 Johnice Carriere-Bell  
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